

Performance Effectiveness Of Mediators In Settlement Of Industrial Relations Disputes In Manpower And Transmigration Services

Sarah Magfirah Daud ¹, Nirwan Junus ², Mohamad Taufiq Zulfikar Sarson ³

¹ Faculty of Law, Universitas Negeri Gorontalo

² Faculty of Law, Universitas Negeri Gorontalo, Indonesia.

³ Faculty of Law, Universitas Negeri Gorontalo, Indonesia

Korespondensi: indahapriliasidiki99@gmail.com

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ABSTRACT

The purpose of this study is to describe and identify the performance of mediators in resolving industrial relations disputes at the Manpower and Transmigration Office of Gorontalo Regency and to identify and analyze the inhibiting factors experienced by mediators in resolving industrial relations disputes if they fail. The research method used is sociological juridical, namely examining applicable legal provisions and what happens in society or research conducted on real conditions that occur in society.

The results of this study are that the success of a mediation process depends on the performance of the mediator himself in the settlement of industrial relations disputes. According to the mediator at the Manpower and Transmigration Office of Gorontalo Regency, cases that are often handled and resolved at the mediation stage are cases of disputes over the termination of employment (PHK). In the mediation process, failure is something that is also found in reaching a collective agreement, because several internal and external factors make the mediation process unsuccessful, so it is recommended to go to court. The conclusion from the research is that the performance of the mediator in the settlement of industrial relations disputes at the Department of Manpower and Transmigration of Gorontalo Regency has been running according to the applicable regulations and has not been effective.

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1. Introduction

The philosophy of the nation and state is the basis that refers to the formation of an industrial relationship because every nation and state has a different philosophy as well as industrial relations. Pancasila is the philosophy of the Indonesian nation and state so industrial relations are better known as Pancasila Industrial Relations. So it can be concluded that the Pancasila Industrial Relations is a system of relations formed between workers, entrepreneurs, and the government which is based on the values which are the manifestation of the whole Pancasila and the 1945 Constitution. The main feature of the country is the emergence of the government's obligation to realize the general welfare of its citizens.

The right to independence and freedom is the foundation for a country in upholding the rule of law in its sovereign jurisdiction. Jurisdiction sovereignty must include guarantees for the protection of human rights, fundamental state organizational structure, distribution, and restrictions on fundamental state organizations. Industrial Relations according to Article 1 Number 16 of Law Number 13 of 2003 concerning Manpower is a system of relations formed between actors in the process of producing goods and/or services consisting of elements of entrepreneurs, workers/laborers, and the government based on values. Values of Pancasila and the 1945 Constitution of the Republic of Indonesia. The presence of the Industrial Relations Court is very important because the court is not only an institution that must be independent and with integrity, being able to provide fair services to all levels of society is highly expected. Pancasila industrial relations aims to:

1. Creating work and business peace.
2. Increase production.
3. Improving the welfare of workers and their degrees in accordance with human dignity.

Industrial relations must be formatted and created in such a way to create a relationship that is safe, peaceful, harmonious, and in line. So that the company can continue to improve the quality of its products to generate prosperity for all parties concerned. It is not an easy thing to create harmonious industrial relations, and instead of creating peaceful industrial relations, in the sense of working calmly and calmly doing business, it is instead tensions that often arise in the implementation of these industrial relations. It often occurs between workers and employers, namely industrial relations disputes caused by many conflicting interests. A conflict of interest occurs when in carrying out or pursuing one's interests a person harms others and in living together that conflict is unavoidable.

It is undeniable that the role of the workforce in national development is increasing along with the various challenges and risks it faces. The workforce is a population who is within the working age limit and can do work to produce goods and services either to meet personal or community needs. Disputes between workers and entrepreneurs can be understood because if you look at it from the point of view of interests that are considered less aligned and balanced, it creates conditions to defend each other's rights. The many disputes that have occurred, are fair and unattractive, are solutions that must be truly objective in dealing with industrial relations disputes. Basically, the parties themselves can regret the disputes that occur or with the presence of a third party either provided by the state or the parties themselves. The Industrial Relations Court is an official forum provided by the state as a judicial institution in the settlement of disputes in the field of industrial relations. It is possible that the settlement can also be settled out of court by the parties themselves. Observing disputes between workers and business actors cannot be seen in black and white, because in this era of industrialization, it is said that industrial relations disputes are becoming increasingly complex and increasing so institutions and settlement mechanisms are needed that are fast, precise, fair, and cheap.

The formation of legal norms is essentially a statutory regulation. It has been regulated in Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes that if negotiations through the Bipartite mechanism fail, then one or both parties will continue the settlement through a mediation process. By attaching evidence that efforts to settle through Bipartite negotiations have been carried out, then the agency responsible for manpower affairs is obliged to offer the parties an agreement to choose a settlement through conciliation or arbitration. If within 7 working days the parties do not make their choice, the settlement will be delegated to the mediator by the responsible agency. In industrial relations, it adheres to several principles in the settlement of industrial relations disputes, which include deliberation for consensus, freedom to choose a dispute resolution institution, fast, accurate, fair, and inexpensive.

Mediation is a negotiation involving a third party who has expertise in coordinating conflict situations to make them more effective. And the mediator in mediation has an obligation to encourage the parties to find a peaceful settlement. While the performance of a mediator can be interpreted as the result or level of success of a person as a whole during a certain period in carrying out tasks compared to various possibilities, such as work standards, targets or targets or certain criteria that have been set in advance and have been mutually agreed upon.

Mediation can also be defined as a problem-solving negotiation process in which an impartial third party cooperates with the disputing parties, helping to reach a satisfactory agreement. This is different from the litigation or arbitration process which means

intervention in a dispute or negotiation by acceptable, impartial, and neutral third parties, who do not have the authority to make decisions in assisting the parties to reach an agreement voluntarily in a settlement. Disputed issues. In general, mediation can be interpreted as an effort to resolve disputes between parties by mutual agreement. This is different from a problem-solving negotiation process in which an impartial and neutral outside party cooperates with the disputing parties to help them reach a satisfactory agreement.

The mediator in this case is an employee of a government agency (civil servant) in the field of manpower who meets the requirements as a mediator determined by the Minister to carry out mediation and has the obligation to provide written recommendations to the disputing parties to resolve the dispute within their authority. As a party outside the case, the mediator does not have the authority to coerce, the mediator is obliged to meet or bring together the disputing parties to seek input on the subject matter of the dispute by the parties.

Regarding the effectiveness of the mediator's performance in resolving industrial relations disputes at the Manpower and Transmigration Office of Gorontalo Regency, researchers found that industrial relations disputes in Gorontalo Regency were dominant in the form of rights disputes and termination of employment or layoffs which were most often handled by mediators as mediation implementers in dispute resolution. industrial relations at the Department of Manpower and Transmigration of Gorontalo Regency. Industrial relations cases, especially at the mediation stage, within the last 3 years as many as 185 cases handled by mediators, PB or Collective Agreements is a success in the mediation stage, in this case as many as 171 cases can be resolved in the mediation stage. Meanwhile, the recommendation is the next step to be taken if it does not succeed or fails in the mediation stage so that it is recommended to the Industrial Relations Court as many as 14 cases.

Mr. Antonius Johannis, as the mediator explained that the function of the mediator in the settlement of industrial relations disputes is the coaching function which includes the main task of prevention which is carried out to minimize disputes that occur. A drastic decrease when viewed from case data from 2019 to 2021 due to efforts made by the mediator, namely efforts to prevent disputes.

Based on the data on industrial relations disputes above, it shows that in carrying out settlements in the mediation process, the performance of the mediator greatly influences the success. Therefore, this study will focus on the core problem of the extent to which the effectiveness of the mediator's performance in resolving industrial relations disputes in the Manpower and Transmigration Office of Gorontalo Regency on duty. **Problem**

Formulation of the Problem

The description of the problem through the introduction to the background above, it can be identified several problem formulations which are narrowed down in the following questions:

1. How is the performance of the mediator in resolving industrial relations disputes at the Manpower and Transmigration Office of Gorontalo Regency?
2. What are the inhibiting factors experienced by mediators in resolving industrial relations disputes if they fail at the Manpower and Transmigration Office of Gorontalo Regency?

2. Method

The research method used is sociological juridical, in other words, it is a type of sociological legal research and can also be referred to as field research, namely examining applicable legal provisions and what is happening in reality in society or other words, a research conducted on the actual situation. or real conditions that occur in society. With a view to knowing and finding the facts and data needed, after the required data is collected then it goes to problem identification which ultimately leads to problem-solving.

3. Analysis or Discussion

4.1 Mediator Performance in Settlement of Industrial Relations Disputes at the Manpower and Transmigration Office of Gorontalo Regency

Settlement of disputes through mediation includes the resolution of disputes: a). rights, b). interests, c). layoffs, and d). disputes between SP/SB in one company. Settlement through mediation is carried out by deliberation mediated by a neutral conciliator (Article 1 point 11 of Law No. 2 of 2004).

In the event that negotiations by the disputing parties (bipartite) fail to be carried out, then one of the parties or both parties shall register the dispute at the agency responsible for the local manpower sector. Disputes of interest, disputes over the termination of employment, or settlements between trade unions that have been recorded at the agency responsible for manpower affairs can be resolved through mediation by mutual agreement of both parties. In the process of resolving industrial relations disputes, if there

is no agreement between the two parties to resolve the dispute through conciliation/arbitration, before being submitted to the International Relations Court, or specifically for rights disputes, it must first be resolved through mediation. This is intended to avoid the accumulation of PHI cases in court.

After receiving the delegation of dispute files, the mediator takes the following steps to resolve:

- a. conduct research on dispute files,
- b. conduct a mediation hearing no later than seven working days after receiving the assignment of tasks to resolve disputes,
- c. summon the parties in writing to attend the hearing taking into account the time of the summons so that the mediation session can be held no later than seven working days after receiving the assignment of tasks to resolve the dispute,
- d. carry out mediation sessions by seeking settlement by deliberation for consensus,
- e. issue a written recommendation to the parties if the settlement does not reach an agreement within no later than 10 working days from the first mediation session,
- f. help make a written collective agreement (PB) if a settlement agreement is reached, which is signed by the parties and witnessed by the mediator,
- g. notify the parties to register the PB which has been signed by the parties to the IR Court where the PB was signed to obtain a certificate of registration, and
- h. make minutes on each PPHI.

In carrying out their duties, if necessary, the mediator can coordinate with labor inspectors. For disputes that are followed by the threat of strike/company closure, the employment agency that receives the notification of the strike/company closure, upon the appointment of the head of the labor agency, the mediator immediately seeks a settlement by bringing together the parties to conduct deliberation so that a strike/company closure does not occur.

According to Soerjono Soekanto's theory, the effectiveness of the Law will be effective if the purpose of its existence and application can prevent unwanted actions and eliminate chaos. Effective performance in general can make what is designed can be realized. If there is a darkness, there is the possibility of easy correction if there is a need to implement or apply the law in a different new atmosphere, the law will be able to solve it. When talking about the effectiveness of the law, we must first be able to measure the extent to which the rule of law is understood or not understood and obeyed or not obeyed. If a rule of law is understood and obeyed by most of the targets for which it is obeyed, it will be said that the law in question is effective.

Legal awareness and legal compliance are two things that will determine the

effectiveness or not of implementing legislation or the rule of law in society. Legal awareness, legal compliance, and the effectiveness of legislation are three interrelated elements.

In this case, the performance of the mediator is seen from the effectiveness in several factors, namely:

1. The legal factor itself (law). In the settlement of industrial relations disputes, it is very clearly regulated in Law No. 2 of 2004 concerning Settlement of Industrial Relations Disputes, as well as the performance of the mediators themselves in accordance with the applicable rules and regulations.
2. Law enforcement factors, namely the parties that form and apply the law. In this case, the mediator is the main person in the mediation process in the industrial relations dispute settlement process. In relation to the performance of the mediator in enforcing the law that is in accordance with the applicable rules and regulations, it only requires additional mediators in this case to be more effective in the dispute resolution process.
3. Factors of facilities or facilities that support law enforcement. Providing facilities and facilities in the process of resolving industrial relations disputes is a supporting factor in reaching a mutual agreement in mediation. Examples of facilities such as courtrooms or meeting rooms to conduct the mediation itself.

Meanwhile, based on research conducted by researchers at the Department of Manpower and Transmigration of Gorontalo Regency, which is located on Jalan Sun Ismail, No. 202 Hepuhulawa Village, Limboto Sub-district, Gorontalo Regency is divided into 5 fields, namely, the Secretariat of the Service, the Manpower Sector, the PKP2T Sector, the Supervision of Transmigration Areas and the Job Training Center or BLK. And has 1 mediator and 2 companion mediators.

Meanwhile, according to Mrs. Karmila Patasalang, the Head of Industrial Relations and Manpower Social Security, she explained that the settlement of industrial relations disputes can be resolved in stages or several settlement mechanisms, namely dispute resolution through bipartite mechanisms, dispute resolution through mediation mechanisms, dispute resolution through conciliation mechanisms, dispute resolution through arbitration mechanism and dispute resolution through industrial relations court mechanism. However, researchers are more focused on research settlements through mediation mechanisms. Mrs. Karmila Patasalang explained in more detail that those who have the obligation to mediate are employees of government agencies responsible for the field of manpower who meet the requirements as mediators that have been determined by the minister of manpower.

Disputes that can be resolved in this mediation mechanism are disputes over rights, disputes over interests, disputes over termination of employment (PHK) and disputes

between trade unions within one company. And the disputes that are most often handled by the Manpower and Transmigration Office of Gorontalo Regency are disputes over work relations.

Mr. Antonius Johannis, as the main mediator, Mrs. Luciana Djafar as the companion of 1 mediator, and Mr. Nelson Maku as the companion of 2 mediators. Similarly, in the initial observations that the researchers did first, Mr. Antonius Johannis as the mediator explained that the function of the mediator in the settlement of industrial relations disputes is the coaching function which includes the main task of prevention which is carried out to minimize disputes that occur, the development function, and the function of settlement referred to as settlement is one of the main tasks of the mediator to resolve disputes between parties. In addition, the main function of the mediator is to harmonize the relationship between the disputing parties. Industrial relations disputes in Gorontalo Regency are dominant in the form of rights disputes and termination of employment or layoffs which are most often handled by mediators as mediation implementers in resolving industrial relations disputes at the Manpower and Transmigration Office of Gorontalo Regency.

Furthermore, Mr. Antonius Johannis explained several breakthroughs made in the field of industrial relations as a mediator in the settlement of industrial relations disputes at the Manpower and Transmigration Office of Gorontalo Regency, namely:

1. Conducting technical consultation meetings by technical employees which include elements from mediators and judges at the industrial relations court as well as heads of industrial relations
2. Conducting socialization related to procedures for resolving industrial relations disputes
3. Conduct research on negotiation techniques for workers/laborers and entrepreneurs
4. Conduct training for workers/laborers and entrepreneurs.

Meanwhile, according to Ms. Luciana Djafar as the assistant to mediator 1 at the Manpower and Transmigration Office of Gorontalo Regency, she explained that the role of the mediator is very important in resolving industrial relations disputes, especially at the mediation stage, and in providing maximum services according to the guidelines in the mediation of Law no. 2 of 2004 concerning the settlement of industrial relations disputes. Ms. Luciana Djafar also explained that the mediator at the Gorontalo Regency Manpower and Transmigration Office has the following duties:

- a. Industrial relations development
- b. Industrial relations development
- c. Settlement of industrial relations disputes out of court.

Ms. Luciana Djafar continued as a mediator for 1 mediator, that the performance of the mediator at the Manpower and Transmigration Office of Gorontalo Regency was in full accordance with the rules and laws in the settlement of industrial relations disputes, especially in the mediation field. He has served as a mediator assistant for 8 (eight) years, namely from 2013 to the present, he has gone through various forms of settlement from the lightest to the heaviest. The performance of the mediator is a major influence on the settlement of industrial relations disputes in the mediation field.

Meanwhile, according to Mr. Nelson Maku as the assistant of 2 mediators at the Manpower and Transmigration Office of Gorontalo Regency, explained that the mediator's authority in resolving industrial relations disputes, among others:

- a. Ask the parties to provide information orally and in writing
- b. Request documents and letters relating to the dispute from the parties
- c. Presenting witnesses or expert witnesses in mediation if necessary
- d. Request documentation and necessary documents from the Provincial Office or Regency/City Service or related institutions

Refuse the power of the disputing parties if they do not have a special letter. In addition to the three tasks previously conveyed by Mrs. Luciana Djafar, Mr. Nelson Maku also added that the mediator in resolving industrial relations disputes has the following obligations:

- a. Requesting the parties to negotiate before the mediation process is carried out or one of the main functions of the mediator, namely the function of guidance and prevention.
- b. Calling the disputing parties
- c. Lead and organize the mediation session
- d. Helping the parties to make a mutual agreement, if an agreement is reached
- e. Make recommendations in writing, if no agreement is reached
- f. Making minutes of settlement of Industrial Relations Disputes
- g. Maintain the confidentiality of all information obtained
- h. Make a report on the results of the settlement of industrial relations disputes to the Head of the relevant Provincial, Regency/City Service
- i. Record the results of the settlement of industrial relations disputes in the Industrial Relations Dispute registration book.

It is the same as the previous statement, that according to Mr. Nelson Maku as the assistant of the 2 mediators, although he has recently served as the mediator's companion, the performance of the mediator is in full accordance with the provisions and regulations that have been in force. Settlement is carried out in accordance with Law Number 2 of

2004 concerning Settlement of Industrial Relations Disputes, and in every decision that has been given by the mediator on industrial relations disputes that have been considered in accordance with the evidence and processes that have been carried out. In every decision for the disputing parties, whether it is accepted or not, that the mediator's decision is the best for the parties themselves and in accordance with the applicable rules and regulations.

From the results of research and interviews with Mediator Mr. Antonius Johannis in the field of Industrial Relations at the Manpower and Transmigration Office of Gorontalo Regency, in a statement where "Success of a Mediation Depends on the Performance of the Mediator" that according to the mediator the statement is true because the mediator carries out the mediation process in accordance with mechanism that has been regulated in Law no. 12 of 2004 concerning PPHI and regulated in Ministerial Regulation Number 17 of 2014 concerning the Appointment and Dismissal of Industrial Relations Mediators and Mediation Work Procedures. Therefore, there is already a working procedure or mediator's performance that has been regulated in the regulation.

Antonius Johannis continued, that the mediator's performance is indeed very influential because before receiving an assignment from the court the mediator must really study and understand the case of the problem, that the mediator is also a judge but does not judge outside the court, namely deciding that a case or dispute can reach a mutual agreement or be recommended to the court. The performance of the mediator must really perform in resolving disputes so that the settlement process can run smoothly.

Mr. Antonius Johannis also provided data regarding cases that were submitted to the Manpower and Transmigration Office of Gorontalo Regency and handled or resolved by mediators for the last 3 years as many as 185 cases, namely from 2019 to 2021 which can be seen in the following table:

Table 1
Total Industrial Relations Dispute Settlement
Gorontalo Regency Manpower and Transmigration Office

Year	Number Entry Cases	Results	
		of Collective Agreement	Suggestion
2019	115 cases	111 cases	4 cases
2020	45 cases	37 cases	8 cases

2021	25 cases	23 cases	2 cases
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Source: Data on Industrial Relations and Labor Social Security

PB or Collective Agreement is a success in the mediation stage, in this case as many as 171 cases can be resolved in the mediation stage from 2019 to 2021. While the recommendation is the next step taken if it does not succeed or fails in the mediation stage so it is recommended to the Court Industrial Relations as many as 14 cases. A drastic decrease when viewed from case data from 2019 to 2021 due to efforts made by the mediator, namely efforts to prevent disputes.

Suggestion is a case that goes to Court

NT is a Collective Agreement

The table above describes several cases handled by mediators in 2020. By having a total of 37 PB cases or those who succeeded in mediation to reach an agreement or collective agreement, and 8 cases that were recommended to the Court.

Table 2

Cases in 2020 Recorded in the Mediation Process

At the Manpower and Transmigration Office of Gorontalo

Year	Company	Case	Decision
2020	PT. Tough Trijaya	4 cases of layoffs	PB
	PT. Great Noble Rizki	1 Case of Layoffs	PB
	PG. Gorontalo	2 Cases of Layoffs and Rights	Suggestion
	PT. Mega Finance	1 Case of Layoffs	Suggestion
	PT. NSC	1 Case of Layoffs	Suggestion
	PT. Indomaret	9 cases of layoffs	PB
	Global Cooperative	2 cases of layoffs	PB
	Tabongo gas station	2 cases of layoffs	PB
	PT. Tripalma Group	15 cases of layoffs	PB
	PT. Royal Coconut	4 cases of layoffs	PB

	PT. Tough Trijaya	2 cases of layoffs	Suggestion
	Barito Cooperative	1 Case of Layoffs	PB
	PT. BRI Limboto	1 Case of Layoffs	Suggestion
	PT. Tirta Kencana Tatawarna	1 Case of Layoffs	Suggestion
Total	14 Companies	45 Cases	37 NT and 8 Suggestions

Source: Data on Industrial Relations and Labor Social Security

KET :

Suggestion is a case that goes to Court

Table 3

**Cases in 2021 Recorded in the Mediation Process
At the Manpower and Transmigration Office of Gorontalo**

Year	Company	Case	Decision
2021	PT. Koperdjal	14 cases of layoffs	PB
	PT. Eternal Jaya Dissident	4 cases of layoffs	PB
	PT. Total Grace	2 cases of layoffs	PB
	PT. Petra Anugrah Sejahtera	1 Case of Layoffs	Suggestion
	PT. Sinar Berlian Gorontalo Motors	1 Case of Layoffs	Suggestion
	PT. Thanks to Primary Oil and Gas	3 cases of layoffs	PB
Total	6 Companies	25 Cases	23 NT and 2 Suggestions

Source: Data on Industrial Relations and Labor Social Security

KET :

Suggestion is a case that goes to Court

NT is a Collective Agreement

The table above describes several cases handled by mediators in 2021. By having a total of 23 PB cases or those who succeeded in mediation to reach a collective agreement, and 2 cases that were recommended to the Court.

In 2021 this has decreased due to prevention efforts that have been carried out by mediators in dealing with disputes that occur between employers and workers.

Table 4
Category of Cases Completed by Mediators
Mild Cases, Heaviest Cases, and Oldest Cases

Year	Lightest Case	Hardest Case	Oldest Case
2019	<ul style="list-style-type: none"> The case of layoffs of PT. Tough Work 	<ul style="list-style-type: none"> The Case at the Muhammadiyah University Campus Gorontalo The case at SDIT Lukmanul Judge lays off teachers 	
2020	<ul style="list-style-type: none"> The case of layoffs of PT. Great Rizki 	<ul style="list-style-type: none"> The case of an Indomaret employee in one of the units in Gorontalo Regency NSC layoff cases 	<ul style="list-style-type: none"> The case of layoffs of PT. Tirta Kenca na
2021	<ul style="list-style-type: none"> The case of layoffs of PT. Total Grace 	<ul style="list-style-type: none"> The case of Jalaluddin Airport Gorontalo workers 	

Source: Mediator at the Department of Manpower and Transmigration Kab. Gorontalo
 The explanation from the table above is that, from 2019 to 2021, there were 185 cases in the mediation stage at the Gorontalo Regency Manpower and Transmigration Office, which had been handled by the mediator. There are 3 (three) categories that are recorded as the heaviest cases, lightest cases and longest cases that have been handled by the mediator.

Starting from the lightest case, according to the mediator in dealing with industrial relations disputes, the case of layoffs or Termination of Work Rights is the lightest case in settlement because the case is clear and there are clear rules in regulating the dispute so that it can be resolved easily according to the rules and regulations that have been set. apply.

In 2019 they are:

1. The case of layoffs that occurred between the company PT. Work Responsibilities and labor. Quick settlement because both parties can understand each other's rights and obligations. And reach a mutual agreement.

In 2020, namely:

4. The case of layoffs occurred between the company PT. Rizki Mulia Agung and the workforce. Very fast settlement and no more than 30 days. Light and reach an agreement or mutual agreement.

In 2021, namely:

1. The case of layoffs that occurred between the company PT. Total Anugrah and labor with a fast settlement process and no more than 30 days. It is light and uncomplicated and requires in-depth study. Only held 2 meetings and immediately reached a mutual agreement. Completion process for 15 days.

After the explanation above, it is continued with the toughest case according to the mediator in dealing with industrial relations disputes, which usually occurs because it has a process that takes a long time to settle and a very in-depth study. It takes time to reach a collective agreement or a recommendation to the Court.

In 2019 they are:

1. The case at the Muhammadiyah University Campus, Gorontalo. This was the toughest case in 2019, namely the dismissal of the UMG Administrative Head. There are many differences of opinion between HR Law experts from UMG, because the parties nominated certain parties or legislative candidates without permission and were fired by the campus. The campus insists on the regulations that apply to UMG. There was a lot of debate that happened so that he was still fired with compensation.

2. The case at SDIT Lukmanul Hakim laid off teachers. Has made a letter of agreement to hold a teacher's certificate when entering the school. And there has been a case between one of the teachers and the school so they want the diploma back. So that there are many debates that occur between the mediator and the SDIT legal party. So that it reached a mutual agreement that the teacher would still be laid off with compensation.

In 2020, namely:

1. The case of Indomaret employees, one of the units in Gorontalo Regency. It is quite difficult because a mediator must be able to balance with the disputing parties. In this case, as we know that the Indomaret company is a very large company and has spread throughout Indonesia, and has very great human resources or has a legal department in which there are great people. So that's one of the difficulties for the mediators in balancing and explaining the case because they have very strong arguments and are adamant with their legal opinions and they stick to it only according to their own terms. They focus on the internal regulations they have.

2. The case of NSC layoffs was because there was involvement with the police in the

settlement process due to criminal issues. One of the disputing parties was previously a suspect and was detained by the police. The party has submitted a report to the mediator, therefore the party who has been detained by the police will still be called by the mediator. The reason for being laid off was because he was involved in an embezzlement case.

In 2021, namely:

1. The case of Jalaluddin Gorontalo Airport workers. The employers consist of several airlines and there have been cases of layoffs of 16 airport workers who went on strike.

The last one, which is the longest case, in the process of resolving industrial relations disputes occurred in 2020, namely the case of layoffs that occurred at the company PT. Tirta Kencana for 20 workers. The longest case is in the process of being resolved because it takes more than 30 working days, due to several reasons that made this case take a long time in the mediation process. One of the reasons is the delay or delay in the mediation process. Where the parties often do not meet the requirements of the settlement process and it is difficult to attend the mediation process, so it takes a very long time to resolve the dispute.

4.1 Inhibiting Factors Experienced by Mediators in Settlement of Industrial Relations Disputes If Failed at DINAKERTRANS, Gorontalo Regency

In the process of resolving disputes, there are often obstacles or obstacles to reaching a mutual agreement, so there are several factors that make this mediation process fail. In the sense that it is not successful in the mediation process it is continued or recommended to the Court. Failure itself can be said as something that occurs because of a mismatch of a target or goal to be achieved with a result of the efforts that have been made. Researchers can describe several inhibiting factors that lead to failure or unsuccessful in resolving industrial relations disputes through the mediation process at the Gorontalo Regency Manpower Office as follows:

Internal factors :

1. Assistant employees of industrial relations mediators at the Manpower and Transmigration Office of Gorontalo Province are still staff or hold structural positions that should hold functional positions in order to focus on mediating industrial relations dispute cases. Because if there are many cases or cases piling up and the industrial relations mediator who holds a structural position is in carrying out other tasks, of course, this will disrupt the process or service in carrying out his duties as an industrial relations mediator which ultimately results

in less effectiveness and efficiency of industrial relations dispute resolution and not focus.

2. Budget is also an important thing in running and implementing a program in government. Of course, this lack of budget will also affect the efficiency and effectiveness of this mediation process, resulting in a lack of budget support through the APBD.
3. Lack of industrial relations mediators at the Manpower and Transmigration Office of Gorontalo Regency. The mediator is an employee who is specialized and understands labor rules and case resolution and has legitimacy in resolving and handling industrial relations dispute cases. And the Manpower and Transmigration Office of Gorontalo Regency only has 1 (one) employee as an industrial relations mediator and 2 (two) only as assistant mediators. This shortage of mediator staff will of course also affect the effectiveness and ease of handling or resolving industrial relations dispute cases.

External Factors:

1. Some company regulations are not made by the company even though this is very helpful for workers in terms of knowing their rights and obligations. Because basically company regulations must exist and be known by workers/laborers, this is regulated in Article 50 to Article 63 of Law Number 13 of 2003 concerning Manpower. This is to guarantee and protect the rights and obligations of both the entrepreneur and the workers/laborers themselves.
2. One of the parties, namely the entrepreneur, is sometimes unable to bring the necessary evidence and the decisions to be taken always require the approval of the central leadership, so this can take a long time and delay the dispute resolution process. Because the evidence itself is needed in the case of an industrial relations mediator employee in the research case being handled. Without evidence it is certainly difficult to convince an employee of an industrial relations mediator to take action in the mediation process.
3. The very high nature of egoism is often found in the process of resolving industrial relations disputes. The disputing parties often do not want to lose or will continue to argue so that the dispute will continue or be recommended to court so that they can win the dispute.

4. It is difficult to contact the parties, especially the businessmen who are difficult to summon to attend the mediation session, there are also entrepreneurs who delay the mediation meeting which also hampers the time for resolving industrial relations disputes. This is very disliked by the employees of industrial relations mediators because on the one hand, they have to pursue targets or times that have been determined by law. So that this is very unwelcome and makes the processing time for the settlement of industrial relations disputes hampered and long.
5. Lack of assistance to workers and understanding by trade unions/labor unions in cases of industrial relations disputes. Awareness and understanding of the processes or stages in doing and acting in the settlement of industrial relations disputes through mediation is still very lacking. So, this needs to be accompanied by the trade union which is also recognized by the Manpower Act in the settlement of industrial relations dispute cases. This is also to provide a sense of security and to ensure that the rights of the disputing workers/ laborers can be achieved.

4. Closing

Legal awareness and legal compliance are two things that will determine the effectiveness or not of the performance of the implementation of legislation or the rule of law in the settlement of industrial relations disputes. Legal awareness, legal compliance, and the effectiveness of legislation are three interrelated elements. The success of a mediation depends on the performance of the mediator in resolving industrial relations disputes between workers and employers through mediation at the Gorontalo Regency Manpower and Transmigration Office, so far basically it has been running according to the provisions that guide the settlement of industrial relations disputes. Several inhibiting factors, both internal and external, experienced by the mediator in resolving industrial relations disputes, in this case, failed in the sense that the mediation process was not successful, so it was continued or recommended to the Court. Failure itself can be said as something that occurs because of a mismatch of a target or goal to be achieved with a result of the efforts that have been made.

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